

PR4



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,401	06/05/2001	Mark W. Miles	005652.P001	7748

8791 7590 02/27/2003

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
----------	--------------

2674

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

**Office Action Summary**

Application No.

09/875,401

Applicant(s)

MILES, MARK W.

Examiner

Jennifer T Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Comiskey et al. (U.S. Patent No. 6,473,072).

Regarding claims 1 and 2, referring to Fig. 15a, Comiskey teaches a touch screen display (200), comprising a pressure tolerant display (204) and a touch screen (208) directly coupled to the display (204) (col. 16, lines 8-16).

Regarding claim 3, Comiskey teaches the touch screen is a pressure sensitive touch screen (col. 16, lines 28-32).

Regarding claim 12, Comiskey teaches the display is an electronic ink display (col. 5, lines 42-48).

3. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Feldman (U.S. Patent No. 6,424,094).

Regarding claim 11, referring to Fig. 5a, Feldman teaches a touch screen display (100), comprising a pressure tolerant display (102) and a touch screen (14) directly coupled to the display (102) wherein the display is an OLED (col. 4, line 59 to col. 5, line 11).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al. (U.S. Patent No. 6,473,072).

Regarding claim 10, Comiskey differs from claim 10 in that he does not specifically teach the display is a light emitting polymer (LEP) display. However, it would have been obvious to obtain the display is a light emitting polymer display in order to provide a large and flexible display screen.

6. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al. (U.S. Patent No. 6,473,072) in view of Miles (U.S. Pub. No. 2002/0126364).

Regarding claim 4, Comiskey differs from claim 4 in that he does not specifically teach the display is an interferometric modulator display. However, Miles discloses the touch screen display is an interferometric modulator display (2604) (page 9, [0175]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the touch screen display is an interferometric modulator display as taught by Miles in the system of Comiskey in order to avoid the distorted display when pressure is applied to its surface.

Regarding claim 5, Comiskey differs from claim 5 in that he does not specifically teach a substrate having a first surface and a second surface, an iMoD array fabricated on the first surface of the glass substrate, a seal coupled to the first surface of the glass surface, and a

Art Unit: 2674

packaging component coupled to the seal. However, referring to Figs. 14-16, Miles teaches a substrate (1400) having a first surface and a second surface, an iMoD array (not shown) fabricated on the first surface of the glass substrate (1400), a seal (1402) coupled to the first surface of the glass surface (1400), and a packaging component (1404) coupled to the seal (1402) (page 7, [0150]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the substrate having a first surface and a second surface, an iMoD array fabricated on the first surface of the glass substrate, a seal coupled to the first surface of the glass surface, and a packaging component coupled to the seal as taught by Miles in the system of Comiskey in order to provide better full color flat panel display.

Regarding claim 6, Comiskey differs from claim 6 in that he does not specifically teach a thin film stack deposited on the first surface of the substrate and metallic membrane coupled to the first surface of the substrate to cover the thin film stack. However, Miles discloses a thin film stack deposited on the first surface of the substrate (page 7, [0154]) and metallic membrane coupled to the first surface of the substrate to cover the thin film stack (page 5, [0130]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the thin film stack deposited on the first surface of the substrate and metallic membrane coupled to the first surface of the substrate to cover the thin film stack as taught by Miles in the system of Comiskey in order to provide better full color flat panel display.

Regarding claims 7-9, the combination of Comiskey and Miles differs from claims 7-9 in that it does not specifically teach the touch screen is directly coupled to the second surface of the substrate. However, it would have been obvious to obtain the touch screen is directly coupled to the second surface of the substrate in order to provide a thin, light, easily manufacturable display.

Art Unit: 2674

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Geaghan (U.S. Patent No. 6,395,863) teaches touch screen with polarizer and method of making same.

Gudeman (U.S. Patent No. 6,466,354) teaches method and apparatus for interferometric modulation of light.

Miles (U.S. Patent No. 6,055,090) teaches interferometric modulation.

Siwinski et al. (Pub. No. US 2002/0171610) teaches OLED with integrated touch screen.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

**Or faxed to: 703-872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding

Art Unit: 2674

should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Jennifer T. Nguyen  
Patent Examiner  
Art Unit 2674



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600